

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TERARECON, INC.,

No. C-05-4407 CW (JCS)

Plaintiff(s),

v.

FOVIA, INC., ET AL.,

**NOTICE OF REFERENCE;
ORDER RE MOTION FOR
PROTECTIVE ORDER AND
DISCOVERY PROCEDURES**

Defendant(s).

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter has been referred to Magistrate Judge Joseph C. Spero for all discovery matters.

On May 5, 2006, Plaintiff filed a Motion for Entry of Protective Order [Docket No. 43] (the “Motion”) and supporting documents. The Court hereby ORDERS as follows:

1. Within seven (7) business days from the date of this Order, Defendant shall file a letter brief, not to exceed five (5) pages, in response to Plaintiff’s Motion.
2. No further briefing will be permitted.
3. Defendants shall file and lodge their proposed Protective Order with the undersigned no later than seven (7) business days from the date of this Order.

IT IS HEREBY FURTHER ORDERED that before filing any discovery motion before this Court, the parties must comply with the following:

1. Lead trial counsel for the parties must meet and confer *in person* regarding the matter(s) at issue. This meeting shall occur after other efforts to resolve the dispute, such as telephone, e-mail, teleconference, or correspondence, have been unsuccessful.

Once those efforts have proved unsuccessful, any party may demand a meeting of lead trial counsel to resolve a discovery matter. Such a meeting shall occur within ten (10) business days of the demand. The locations of the meetings shall alternate. The first meeting shall be at a location selected by counsel for Plaintiff. If there are any future disputes, the next such meeting shall be held at a location to be determined by counsel for Defendants, etc.

2. Within five (5) business days of the in-person meeting between lead trial counsel referred to above, the parties shall jointly file a detailed letter with the Court, which will include the matters that remain in dispute, a detailed substantive description of each side's position on each such issue, and a description of each side's proposed compromise on each such issue.
3. After the Court has received the joint letter, the Court will determine what future proceedings, if any, are necessary.
4. In emergencies during discovery events, the Court is available pursuant to Civil Local Rule 37-1(b).

LAW AND MOTION HEARING PROCEDURES

Civil law and motion is heard on Friday mornings, at 9:30 a.m., Courtroom A, 15th Floor, United States District Court, 450 Golden Gate Avenue, San Francisco, California.

All documents shall be filed with the Clerk's Office in compliance with Civil Local Rules 7-2 through 7-5. Documents not filed in compliance with those rules will not be considered by the Court. Any party seeking an award of attorney's fees or other expenses in connection with this motion shall file a motion in accordance with Civil Local Rule 37-1(e).

A party or counsel has a continuing duty to supplement the initial disclosure when required under Federal Rule of Civil Procedure 26(e)(1).

Pursuant to Civil Local Rule 7-7(e), filed motions may be withdrawn without leave of the Court, within seven (7) days of the date for service of the opposition. Thereafter, leave of the Court must be sought.

COURTESY COPIES

BEFORE NOON ON THE NEXT BUSINESS DAY FOLLOWING THE ELECTRONIC FILING, THE PARTIES ARE REQUIRED TO LODGE DIRECTLY WITH CHAMBERS ONE **PAPER** COPY OF EACH DOCUMENT, WHICH IS TO BE DESIGNATED "JCS'S CHAMBERS' COPY." All filings of documents relating to motions referred to Magistrate Judge Spero shall list the civil case number and the district court judge's initials followed by the designation "(JCS)".

The failure of counsel or a party to abide by this Order may result in sanctions pursuant to Federal Rule of Civil Procedure 16(f).

IT IS SO ORDERED.

Dated: May 12, 2006



JOSEPH C. SPERO
United States Magistrate Judge